8-10A. Civil Judicial Enforcement Actions, Including Collection Actions (1200 TN 350 8-10A)

1. **AUTHORITY.**

   a. To request the Attorney General to appear and represent the agency in any civil enforcement action and to intervene in any civil enforcement action instituted under the Solid Waste Disposal Act, as amended, including an action to collect unpaid penalties;
   b. to give notice of any such suit to the appropriate state; and
   c. to request the AG to decline to prosecute a previously referred civil judicial action or cease prosecution of a previously filed civil enforcement action.

2. **TO WHOM DELEGATED.** Deputy Regional Administrator.

3. **LIMITATIONS.**

   a. The delegatee must obtain the advance concurrence of the regional counsel on the legal sufficiency of the action before exercising the authority in 1(a) and (c). The regional counsel may waive concurrence in writing.
   b. The OECA AA must notify the appropriate RA prior to exercising the authorities in 1(a)-(c).
   c. Delegatees must notify the AA for OECA prior to exercising the authority in 1(c) and when exercising the authority in 1(a). The AA for OECA may waive the requirement for notification in writing.

4. **REDELEGATION AUTHORITY.**

   a. These authorities may be redelegated to the associate director level and no further. The authority may not be redelegated without formal amendment.
   b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

   a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).
   b. SWDA Sections 3008, 3013, 7003, 9006.
   c. See the Chapter 8 delegation entitled, "Emergency TRO's" for RAs' to make direct referrals of requests for emergency SWDA temporary restraining orders.

Date: 4/11/2017

Cecil Rodrigues
Acting Regional Administrator